

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under G.O.Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Cancellation of certificate by the Collector & District Magistrate, Adilabad District vide Procs.Rc.No.C3/2596/2019-50, dt.31.01.2020 - Appeal filed by Rathod Pooja D/o Pandith Rao R/o Morkhandi village of Bazarhathnoor Mandal of Adilabad District – Appeal allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 6

Dated: 12-01-2021

Read the following:-

1. G.O. Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procs.Rc.No.C3/2596/2019-50, dt.31.01.2020 of the Collector & District Magistrate, Adilabad District.
3. Appeal petition filed by Rathod Pooja D/o Pandith Rao R/o Morkhandi village of Bazarhathnoor Mandal of Adilabad District, dated 26.02.2020.
4. Govt.Memo.No.330/TW.LTR/2020, dated 08.06.2020 & 31.08.2020.
5. Lr.Rc.No.D5/309/2018, dated:31.08.2020 of the PO, ITDA, Utnoor, Adilabad District.
6. Note received from the Hon'ble M(STW), C.No.220/N/M(STW&CW)/2020, Dt.21.08.2020.

ORDER:

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the District Collector, Adilabad District vide her orders in the reference 2nd cited, has cancelled Agency Area Local ST Certificate bearing Rc.No.C/03/2019, dt.10.01.2019 issued by the Tahsildar, Bazarhathnoor to Rathod Pooja D/o Pandith Rao R/o Morkhandi village of Bazarhathnoor Mandal of Adilabad District and also declared that Rathod Pooja D/o Pandith Rao is not a local ST as per definition of GO Ms.No.24, TW (LTR.1) Department, dated 12.06.2018, basing on the following findings of the Scrutiny Committee:

- Appellant appeared before the Committee on 21.11.2019 and submitted following documents:
 - 1358 Fasli (1948 year) of Morkhandi village of Bazarhathnoor in favour of Sakru S/o Bheemu bearing Sy.No.7 forefather of applicant.
 - 1954-55 Khasra pahani in favour of Sakru S/o Bheema who is forefather of the applicant bearing Sy.No.36 situated at Morkhandi village of Bazarhathnoor Mandal.
 - 1970-71 to 1980-81 pahani in favour of Sakru S/o Bheema who is forefather of the applicant bearing Sy.No.36 at Morkhandi village of Bazarhathnoor Mandal.

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- 1990-91 to 2000-01 pahani in favour of Subhash S/o Sakru applicant father's brother bearing Sy.No.36 at Morkhandi village of Bazarhathnoor Mandal.
- 2008-09 to 2017-18 pahani in favour of Rathod Pandith S/o Harichand who is father of the applicant in Sy.No.36 situated at Morkhandi village of Bazarhathnoor Mandal.
- Scrutiny Committee in its final hearing on 06.12.2019 has concluded with the following findings:
 - Though the Tahsildar, Bazarhathnoor has issued Agency Certificate vide Lr.No.C/815/2018, dt.04.01.2019 the following anomalies were found contrary to the provisions of GO Ms.No.24, TW (LTR.1) dated 12.06.2018.
 - As verified from Khasra pahani 1954-55, 1970-71 and 1980-81 Sri Sakru S/o Bheema is the pattedar of land bearing Sy.No.36 situated at Morkhandi village of Bazarhathnoor Mandal. Sri Sakru has no any relationship with the applicant as per family tree. The applicant father Sri R.Pandith S/o Harichand is found to have purchased the land from Subhash S/o Sakru vide Registration No.461/2000, dt.04.12.2000, Sri R.Pandith S/o Harichand has tried to play a fraud here saying that he is a family member of Sri Rathod Subhash. Further, there is no documentary evidence to prove the family link of Pandith the purchaser & Subhash the seller.
 - A show cause notice was issued to Rathod Pooja D/o Pandith Rao to attend before the Dist. Collector, Adilabad on 31.01.2020 to prove her claim as Local ST with relevant material/documents.
 - Accordingly, Rathod Pooja has attended before the District Collector, Adilabad on 31.01.2020 but failed to establish the relationship between Pandith S/o Harichand and Sakru clearly. Moreover, there is clear evidence of purchase of land & no evidence of inheritance.
 - Even though the candidate has been given ample time, she has not submitted required documentary evidences since 1950 pertaining to her family or clarify the issues raised with authentic evidence.

3. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Adilabad District, the Appellant Rathod Pooja D/o Pandith Rao R/o Morkhandi village of Bazarhathnoor Mandal of Adilabad District vide ref. 3rd read above, has filed an Appeal before the Government. The contentions of Rathod Pooja D/o Pandith Rao and the documents submitted along with the Appeal and during hearing on 05.09.2020 are as follows:

- Selected for the post of TRT (Teacher) under Area Agency local ST.
- As per orders in WP No.31426 of 2018 dated 05.09.2018 and also orders in WP No.32413/2018 dated 14.09.2018, provisional selection has been referred to the Scrutiny Committee headed by PO ITDA Utnoor with a specific direction to conduct enquiry as per procedure laid down in GO Ms.No.24, TW (LTR.1) Department, dated 12.06.2018.

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- Accordingly, she attended for enquiry on 21.11.2019 and submitted relevant documents of proof of residence, relevancy and admissibilities.
- Scrutiny Committee has verified the connected documents and concluded enquiry with the finding that the Tahsildar, Bazarhathnoor issued Agency certificate vide Lr.No.C/815/2018, dated 04.01.2019 is not genuine and contrary in accordance with GO Ms.No.24, TW (LTR.1) Dept. dt.12.6.2018 and is liable to be cancelled.
- It was a baseless and frivolous conclusion that Sri Sakru S/o Bheema is pattedar of land bearing Sy.No.36 situated in Morkhandi village of Bazarhathnoor Mandal has no any relationship with the appellant as per family tree and that as the father of the appellant Sri R.Pandith S/o Harichand is found to have been purchased land from Subhash S/o Sakru had tried to play a fraudulent claim that he is a family member of Sri Rathod Subhash – moreover there is no documentary evidence to prove the family link of Pandith as a purchaser and Subhash is the seller.
- Scrutiny Committee ought to have initiated preliminary enquiry or regular or any Inquiry Officer to conduct enquiry by examining the concerned and relevant witnesses and marking of incriminating documents through Inquiry Officer.
- It is obligatory on the part of the Dist. Collector, Adilabad to give an opportunity of hearing before recording its conclusions – in the instant case, no such opportunity of personal hearing nor any show cause notice was issued regarding cancellation of Agency Area Local ST certificate – therefore, suo-moto declared the petitioner/appellant is not a local ST basing on the findings arrived by the Scrutiny Committee.
- There is no documentary evidence to prove that the family link of Pandith as a purchaser and Subhash as the seller without causing any enquiry or by examining relevant witnesses.
- Therefore, submitted relevant documentary evidences etc. to prove that Subhash S/o Sakru and Rathod Pandith S/o Harichand are the real brothers and father of appellant herein continuously residing in the notified agency area i.e. Morkhandi village.

Documents submitted along with the Appeal also during hearing on 5.9.2020:

- i) As per Family Tree mentioned in the Affidavit submitted before the Tahsildar, Bazarhathnoor (duly Notarized on 29.1.2020):
 - **Rathod Bhoja Naik** S/o Khiru is **great great grandfather** of appellant Rathod Pooja.
 - Rathod Bhoja Naik has two sons viz., 1) Bhima and 2) **Gangaram (great grandfather of appellant Pooja)**.
 - Rathod Bhima S/o Bhoja Naik (elder brother of Rathod Gangaram i.e. great grandfather of appellant) has only son namely Rathod Sakru and he has two sons viz., 1) Rathod Utham S/o Sakru and 2) Rathod Subhash S/o Sakru.

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- **Rathod Gangaram** (i.e. great grandfather of appellant) has four sons viz., 1) Gambhira 2) Tharachand 3) Kishtu and 4) **Harichand (grandfather of appellant Pooja)**.
 - Harichand has four sons viz., 1) Kamal Singh 2) Ganesh **Pandith Rao (father of appellant)** and 4) Nanda Kumar.
 - Pandith Rao has four children viz., 1) Vamshi Naik (son) **2) Pooja (daughter appellant herein)** 3) Mamatha (daughter) and 4) Vivek (son).
- ii) Translated copy of Namuna No.4 – village: Morkandi Kandiguda, Taluka: Boath, Dist. Adilabad – Fasli 1358 (year 1948) – shows name of Sakru S/o Bheema (i.e. son of elder brother of great grandfather of appellant Gangaram) in Sy.No.36 for a total extent of acs.28.13.
- iii) Year 1950 – Namuna Number 4 – Takhta Jamabandi – village: Morkhandi – Taluq: Boath – Dist. Adilabad – shows name of Sakriya S/o Bheemu (elder brother of great grandfather Sri Gangaram) – for Sy.No.22 extent acs.6.32 and for Sy.No.57 extent acs.25.39.
- iv) Pahani for 1954-55 – village: Morkhandi – shows name of Tharu S/o Gangaram (elder brother of grandfather Harichand) for an extent of acs.12.35.
- v) Pahani for 1966-67 – village: Morkhandi – shows name of Tharu S/o Gangaram (elder brother of grandfather Harichand) for an extent of acs.12.35 in Sy.No.57/AA.
- vi) Pahani for 1969-70 – village: Morkhandi – shows name of Tharu S/o Gangaram (elder brother of grandfather Harichand) for an extent of acs.12.35 in Sy.No.57/AA.
- vii) Pahani for 1970-71 – village: Morkhandi – shows name of Tharu S/o Gangaram (elder brother of grandfather Harichand) for an extent of acs.12.35 in Sy.No.57/AA.
- viii) Pahani for 1982-83 – village: Morkhandi – show names of Tharu S/o Gangaram (elder brother of grandfather Harichand) as pattedar for an extent of acs.12.35 in Sy.No.57/AA while name of Kishtu S/o Gangaram (3rd elder brother of grandfather of appellant Harichand) in cultivation for an extent of acs.6.18.
- ix) Pahani for 1983-84 – village: Morkhandi – show names of Kishtu S/o Gangaram (elder brother of grandfather Harichand) as pattedar and cultivator for an extent of acs.6.18 in Sy.No.A and name of Harichand S/o Gangaram (grandfather of appellant) as pattedar for an extent of acs.6.17 in Sy.No.57/AA while name of Komalsingh S/o Harichand (i.e. eldest brother of father of appellant) is in cultivation column.
- x) Pahani for 1985-86 – village: Morkhandi - show names of Kishtu S/o Gangaram (elder brother of grandfather Harichand) as pattedar and cultivator for an extent of acs.6.18 in Sy.No.A and

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name of Harichand S/o Gangaram (grandfather of appellant) as pattedar for an extent of acs.6.17 in Sy.No.57/AA while name of Komalsingh S/o Harichand (i.e. eldest brother of father of appellant) is in cultivation column.

- xi) Pahani for 1986-87 – village: Morkhandi – show names of Kishtu S/o Gangaram (elder brother of grandfather Harichand) as pattedar and cultivator for an extent of acs.6.18 in Sy.No.A and name of Harichand S/o Gangaram (grandfather of appellant) as pattedar for an extent of acs.6.17 in Sy.No.57/AA while name of Komalsingh S/o Harichand (i.e. eldest brother of father of appellant) is in cultivation column.
- xii) Pahani for 1992-93 – village: Morkhandi – show names of Kishtu S/o Gangaram (elder brother of grandfather Harichand) as pattedar and cultivator for an extent of acs.6.18 in Sy.No.A and name of Harichand S/o Gangaram (grandfather of appellant) as pattedar for an extent of acs.6.17 in Sy.No.57/AA while name of Komalsingh S/o Harichand (i.e. eldest brother of father of appellant) is in cultivation column.
- xiii) Pahani for 1995-96 – village: Morkhandi – shows name of Rathod Harichand S/o Gangaram (grandfather of appellant) for an extent of acs.1.16 in Sy.No.57/6 and for acs.3.10 in Sy.No.57/7.
- xiv) Pahani for 1999-2000 – village: Morkhandi – shows name of Rathod Harichand S/o Gangaram (grandfather of appellant) for an extent of acs.1.16 in Sy.No.57/6 and for acs.3.10 in Sy.No.57/7.
- xv) Pahani for 2001-02 – village: Morkhandi – show names of 1) Kishtu S/o Gangaram (elder brother of grandfather Harichand) for an extent of acs.4.21 in Sy.No.57/5 and 2) Harichand S/o Gangaram (grandfather of appellant) for an extent of acs.1.16 in Sy.No.57/6 and acs.3.10 in Sy.No.57/7.
- xvi) Pahani for 2004-05 – village: Morkhandi – shows name of Rathod Harichand (grandfather of appellant) for an extent of acs.1.16 in Sy.No.57/6 and acs.3.10 in Sy.No.57/7.
- xvii) Pahani for 2014-15 – village: Morkhandi – shows name of Rathod Hari S/o Gangaram (grandfather of appellant) for an extent of acs.1.16 in Sy.No.57/6.
- xviii) PPB bearing No.T13030030060 – Khata No.104 - village: Morkhandi – Mandal: Bazarhathnoor – Dist. Adilabad – issued by Tahsildar to Sri Rathod Hari S/o Gangaram (grandfather of appellant).
- xix) Voter list for the year 1977 of 241 Boath ST Assembly Constituency – Part No.143 – village: Morkhandi – shows name of Rathod Hari S/o Gangaram (grandfather of appellant) at Sl.No.81 under H.No.1-28A.

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- xx) Voter list for the year of 1980 of Gokonda Gram Panchayat – shows name of Hari S/o Gangaram (grandfather of appellant) at Sl.No.809 under H.No.1-43/A.
- xxi) Voter list for the year 1983 of 241 Boath ST Assembly Constituency – Polling Station No.2 – Polling Center: Morkhandi for the areas of Morkhandi, Gokonda – shows name of Rathod Hari S/o Gangaram (grandfather of appellant) at Sl.No.31 under H.No.1-11/A.
- xxii) Voter list for the year 1988 of 241 Boath ST Assembly Constituency – Polling Station No.3 – Polling Center: Morkhandi for the areas of Morkhandi, Gokonda, Dhabadi and Omerda-B – show names of 1) Tara W/o Gangaram (grandmother of appellant) at Sl.No.53 under H.No.1-27C, Sl.No.40 Rathod Kishtu S/o Gangaram (elder brother of grandfather Harichand) under H.No.1-5E, Sl.No.77 Rathod Gambirnaik S/o Gangaram (eldest brother of grandfather Harichand) Sl.No.84 Rathod Hari S/o Gangaram (grandfather of appellant) under H.No.1-27 and names of his sons viz., 1) Kamalsingh (eldest brother of father of appellant) at Sl.No.86 and 2) Ganesh (elder brother of father of appellant) at Sl.No.87. Names of Subhash S/o Sakru (Sakru is son of Bhimanaik who is elder brother of Rathod Gangaram i.e. great grandfather of appellant) at Sl.No.89 and elder brother of Subhash viz., Utham S/o Sakru at Sl.No.94 and also name of Sakru S/o Bhima (i.e. son of Rathod Bhima who is elder brother of great grandfather of appellant namely Rathod Gangaram) at Sl.No.91.
- xxiii) New entries in 1989 for the Voter list for 1989 of 241 Boath ST Assembly Constituency – Polling Station No.3 – shows name of Pandit S/o Hari (father of appellant) at Sl.No.1076 under H.No.1-27.
- xxiv) Declaration of village elders of Morkhandi and also signed by Sarpanch, GP Gulabthanda, Mandal: Bazarhathnoor – wherein it was unanimously stated that Rathod Panditrao i.e. father of appellant and his forefathers have been continuously living in Morkhandi village from 1950 and they have land property in the name of elder son of Bheema
- xxv) namely Sakru and subsequently shared to the sons of Gangaram (i.e. younger brother of his father Bhima) Tara S/o Gangaram, Gambhira S/o Gangaram, Kishtu S/o Gangaram and Hari S/o Gangaram from 1954 year onwards.
- xxvi) Village Elders declaration recorded by Village Revenue Officer, Morkhandi village and certified by Sarpanch, GP Gulabthanda, Mandal: Bazarhathnoor – wherein it was stated that the family of Rathod Pooja (appellant) and her ancestors have been continuously living in Morkhandi (Gulabthanda) village from 1950 and there is no objection for issue of Agency Area Certificate to her.

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4. Vide reference 4th read above, the District Collector, Adilabad has been requested to submit connected documents pertaining to the case along with para-wise remarks.

5. Accordingly, vide reference 5th read above, the PO, ITDA, Utnoor, Adilabad District has submitted connected documents of the case along with para-wise remarks.

6. Accordingly, vide reference 6th read above, the Appellant has attended for hearing on 05.09.2020 at 11.00 AM before the Government and submitted the documents as submitted along with appeal Petition.

7. The documentary evidences produced by the appellant before the Scrutiny Committee and before the Government along with the Appeal and during hearing on 5.9.2020 and as seen from the family, voters list, land documents, declarations by the village elders duly certified by the Sarpanch, amply prove that Sri Rathod Sakru (S/o Bhima S/o Bhoja Naik) and Rathod Harichand (S/o Gangaram S/o Bhoja Naik) and Rathod Subhash S/o Sakru and Rathod Pandit S/o Harichand all belong to one family under the Family Tree headed from Rathod Bhoja Naik S/o Khiru and they have been staying continuously in the agency village i.e. Morkhandi from before 1959 onwards.

8. Government after careful examination of the documents available on record sent by the PO, ITDA, Utnoor, Adilabad District, and documents submitted by the Appellant and along with the Appeal Petition, during hearing on 5.09.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018 it is found that the appellant Rathod Pooja D/o Pandith Rao and her fore-fathers are the continuous residents of Morkhandi, an agency village in Bazarhathnoor Mandal of Adilabad District from 26.1.1950 and thereby they are to be declared as local ST of agency area of Adilabad District and treating the LSTAC issued by the Tahsildar, Bazarhathnoor bearing Rc.No.C/03/2019, dt.10.01.2019 issued to Rathod Pooja D/o Pandith Rao as valid.

9. Accordingly, Government hereby set aside orders of the District Collector, Adilabad in Procs.Rc.No.C3/2596/2019-50, dated 31.01.2020, and allow the Appeal Petition filed by Rathod Pooja D/o Pandith Rao R/o Morkhandi village of Bazarhathnoor Mandal of Adilabad District.

10. The Collector & District Magistrate, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To
The Collector & District Magistrate, Adilabad District.
Rathod Pooja D/o Pandith Rao R/o Morkhandi village of Bazarhathnoor
Mandal of Adilabad District.

Copy to:

1. The Secretary, Telangana State Public Service Commission,
Hyderabad (for information & necessary action)

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2. The Project Officer, ITDA Uttoor, Adilabad District
(for information & necessary action)
3. The District Educational Officer, Adilabad
(for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare (for information)
5. The PS to Secretary (TW)
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER